

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AT&T CORPORATION,

Plaintiff,

- against -

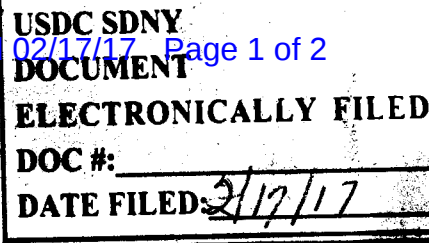
VOICE STREAM NETWORK, INC.,

Defendant.

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Having independently reviewed and approved the February 2, 2017 Report and Recommendation of the Honorable Sarah Netburn, United States Magistrate Judge, and plaintiff's counsel's February 16, 2017 letter to Judge Netburn, and there having been no objections, I approve and adopt her conclusions that:

1. Voice Stream violated 47 C.F.R. § 64.1601 and therefore 47 U.S.C. § 201(b) and is liable to AT&T for any damages stemming from these violations. 47 U.S.C. § 206;
2. The grant of full damages sought by AT&T upon other theories renders it unnecessary to determine Voice Stream's status either as a "customer" or under the "constructive ordering doctrine";
3. AT&T has not stated a violation of the Computer Fraud and Abuse Act, for lack of a showing that Voice Stream's initial entry into the routers was unauthorized;
4. Voice Stream is liable to AT&T under the common law of fraud of Iowa, Florida and New York;



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ORDER ON MOTION FOR
DEFAULT JUDGMENT

5. AT&T has not stated a claim under the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"), which applies to consumer rather than commercial transactions;
6. AT&T has not stated a claim under New York Business Law § 349, for lack of a sufficient showing that the Voice Stream's conduct took place in New York;
7. The total amount of damages AT&T sustained as a result of Voice Stream's alterations between December 2014 and January 2015 was \$15,148.78;
8. The total amount of damages AT&T sustained as a result of Voice Stream's alterations between May and June 2015 was \$11,900,716.62;
9. Prejudgment interest shall be calculated at 9% annually from August 14, 2015, the date of the payment demand on the last unpaid invoice issued by AT&T; and
10. AT&T's claim for injunctive relief has been withdrawn, in light of Voice Stream's October 26, 2016 dissolution.

* * * * *

The Clerk will enter judgment in favor of AT&T and against Voice Stream in the amount of \$11,915,865.40 plus prejudgment interest calculated from August 14, 2015, to the date of entry of judgment.

So ordered.

Dated: New York, New York
February 17, 2017



LOUIS L. STANTON
U. S. D. J.